

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as SECRETARY OF THE U.S.
DEPARTMENT OF HEALTH AND HUMAN
SERVICES, et al.,

Defendants.

Case No. 1:25-cv-00196-MRD-PAS

DECLARATION OF MOLLY BRACHFELD

Pursuant to 28 U.S.C. § 1746, I, Molly Brachfeld, do hereby state:

1. I am an Assistant Attorney General in the Office of the Attorney General for the State of New York, and I appear on behalf of the State of New York in this action and am a member in good standing of the bar of the State of New York.

2. I am admitted to appear in this action in the United States District Court for the District of Rhode Island pursuant to this Court's Text Order from May 6, 2025.

3. I submit this Declaration and its attached Exhibits in further support of Plaintiff States' Motion for a Preliminary Injunction.

4. I make the following statements on the basis of my own knowledge or a review of files in my possession.

5. On May 14, Secretary Kennedy testified before Congress. Among other things, his testimony concerned the restructuring and reductions in force at the center of this lawsuit.

Senate HELP Committee, *Senate HELP Hearing: FY 2026 Department of Health and Human Services Budget*, YouTube (May 14, 2025), <https://www.youtube.com/watch?v=do7L8jUvZoo>.

Under questioning, Secretary Kennedy stated:

I understand that if you look at this from a distance you'd say: "Why don't you just do this surgically and cut one person at a time?" This agency has grown so big so fast and everybody who comes in says "I'm going to cut it down." and nobody's been able to do it and there, there was an understanding that the longer that you wait the more the inertia kicks in.

And we had to act quickly so that we could do something for the American people that is lasting. And we understood that there would be some mistakes made and that we would go back and reverse them when they were made. But it was more important to do decisive action quickly that could eliminate the metastasizing of this agency, which was growing, and growing, growing as our health declined.

Id. at 2:24:48.

6. Secretary Kennedy also testified that HHS made "a couple of mistakes," *id.* at 2:24:38. He stated that the cuts that terminated the World Trade Center Health Program "should not have been made," *id.* at 2:24:05, and testified that he "d[id]n't know" that the National Firefighter Registry for Cancer had been shut down, 2:26:15. When asked about why these programs were cut, Secretary Kennedy responded: "[i]t was part of the overall budget cuts. Our agency was asked to make very, very serious budget cuts that were going to be painful." *Id.* at 2:23:35. And when asked by Senator Murkowski why domestic violence funding from HHS was not being received by grantees, he responded:

Sen. Murkowski: It may be that with the RIFs you don't have people that are processing these things.

Secretary Kennedy: That could be.

Id. at 1:14:36.

7. For the ease of the Court and the parties, I have begun numbering the exhibits to my declaration at Exhibit 66 because the May 9, 2025 Declaration of Andres Ivan Navedo (Navedo Declaration) attached Plaintiffs' Exhibits 1-65. ECF No. 44.

8. Attached as Exhibit 66 is a true and accurate copy of the Declaration of Annick Benson-Scott, HIV/STD/TB Section Manager for the Center for Public Health Practice, Public Health Division of the Oregon Health Authority.

9. Attached as Exhibit 67 is a true and accurate copy of the Declaration of Dr. Maria Guadalupe Jaime-Mileham, Deputy Director of the California Department of Social Services, Child Care and Development Division.

10. Attached as Exhibit 68 is a true and accurate copy of the Supplemental Declaration of John Doe 2, an employee at the National Institute for Occupational Safety and Health (NIOSH). This is a supplemental declaration by the same pseudonymous declarant who submitted the Declaration of John Doe 2, Exhibit 47 to the Navedo Declaration, ECF No. 44-47.

11. Attached as Exhibit 69 is a true and accurate copy of the Declaration of Jane Doe 3, a former employee of the Division of Reproductive Health (DRH) in the Centers for Disease Control and Prevention (CDC).

12. Attached as Exhibit 70 is a true and accurate copy of the Declaration of Jane Doe 4, an employee of the Office of Smoking and Health (OSH) in CDC.

13. Attached as Exhibit 71 is a true and accurate copy of the Declaration of Jane Doe 5, an employee of the Division of STD Prevention in CDC.

14. Attached as Exhibit 72 is a true and accurate copy of the Declaration of Jane Doe 6, a former employee of the Division of Data and Technical Analysis within the Office of the Assistance Secretary for Planning and Evaluation (ASPE).

15. Attached as Exhibit 73 is a true and accurate copy of the Declaration of John Doe 7, an employee of the Center for Tobacco Products (CTP) within the Food & Drug Administration (FDA).

16. Attached as Exhibit 74 is a true and accurate copy of the Declaration of Gordon Sloss, Program Manager of the California Tobacco Prevention Program at the California Department of Public Health.

17. Attached as Exhibit 75 is a true and accurate copy of the Declaration of Eli Rosenberg attaching thereto Exhibits A-C. Mr. Rosenberg's declaration was attached as Exhibit 25 to the Navedo Declaration, ECF No. 44-25, but Exhibits A-C were omitted in error.

18. Attached as Exhibit 76 is a true and accurate copy of *Colorado v. Kennedy*, No. 1:25-CV-00121 (D.R.I. May 16, 2025), ECF No. 84.

19. Attached as Exhibit 77 is a true and accurate copy of a news article by Eric Katz, *CDC to cut one employee for each it is recalling from layoffs* (May 14, 2025), <https://www.govexec.com/workforce/2025/05/CDC-cut-one-employee-each-it-recalling-layoffs/405336/>.

20. Plaintiffs' Motion for a Preliminary Injunction erroneously stated that "[t]he March 27 Directive proposed to move the entire ASPE to the new 'Administration for a Healthy America,'" ECF No. 43 at 21, but, in fact, the March 27 Directive proposed to move the entire ASPE to the new "Office of Strategy," *see* Ex. 1 (March 27 Directive), ECF No. 44-1.

Dated: New York, New York
May 19, 2025

/s/ Molly Brachfeld
Molly Brachfeld
Assistant Attorney General
Office of the New York State Attorney General